

**Rocklin Police Department
4080 Rocklin Road
Rocklin, California 95677
(916)-625-5400**

Fees:

~~\$30~~.00 Massage Permit Fee
\$ 10.00 Fingerprint Fee
\$ 32.00 Dept. of Justice Fee

APPLICATION FOR MASSAGE PERMIT

5.20.050 Application--Contents.

Any person desiring a permit to operate a massage establishment or to engage in the practice of massage technician shall first make application for a permit under this chapter.

An applicant for a permit shall submit the application to the chief of police and supply the following information:

- A. Applicant's name, residence and telephone number;
- B. The previous addresses of the applicant for the five years immediately prior to the present address of the applicant;
- C. Applicant's Social Security number and driver's license number, if any;
- D. Birth certificate or other written proof acceptable to the chief of police that the applicant is at least eighteen years of age;
- E. Applicant's height, weight, color of eyes and hair;
- F. Two photographs of the applicant at least two inches by two inches in size taken within six months of the date the application is filed;
- G. Business, occupation or employment of the applicant for the five years immediately preceding the date of application;
- H. The name and address of the massage establishment where the applicant is to be employed and the name of the owner of such establishment;
- I. The massage or similar business history of the applicant, including whether such person, in previous operation, in this or another area, has had any massage-related license or permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to the action of suspension or revocation;
- J. Fingerprints, if requested by the chief of police, and fingerprint processing fee;
- K. Statement of whether the applicant has ever been convicted of any crime, except misdemeanor traffic violations. If so convicted, the statement must give the place and court in which such conviction was had, the specific charge under which the conviction was obtained and the sentence imposed as a result of such conviction;
- L. A diploma or certificate of graduation from a recognized school showing successful completion of a course of study on the theory, ethics, practice, methods, profession and work of massage;
- M. Such other identification and information requested by the chief of police to aid in verifying the information provided on the application;
- N. A certificate from a medical doctor stating that the applicant has, within thirty days immediately prior to the filing of the application, been examined and found to be free from any infectious, contagious or communicable disease capable of being transmitted to the public or to fellow employees by the type of conduct and interaction with fellow employees and the public involved in the performance of work-related activities of a massage technician;
- O. A separately signed waiver and release authorizing the city, its agents, and employees to seek information and to conduct an investigation into the truth of the statements made on the application and the qualifications and record of the applicant;
- P. Current certification in cardiopulmonary resuscitation and first aid from the American Heart Association or the American Red Cross. (Ord. 837 § 2, 2000; Ord. 699 § 1 (part), 1994).

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APPLICATION FOR MESSAGE PERMIT

Name: Last		First		Middle	
AKA (Nicknames, maiden name, etc.):					DOB:
Address:			City:		
State:	ZIP:	Home Telephone Number:		Work Telephone Number:	
Age:	Height:	Weight:	Hair:	Eyes:	
Social Security Number:			Driver's License Number:		State:
List all previous addresses for the past five (5) years. Attach a separate sheet of paper if more space is needed.					
Where will you be employed?:			Address:		
Owner of Establishment:			Telephone Number:		
List all previous jobs you have held in the last five (5) years, beginning with the most current. Attach a separate sheet of paper if more space is needed.					
From:		To:		Address:	
Employer:		Position:		Telephone Number:	
From:		To:		Address:	
Employer:		Position:		Telephone Number:	
From:		To:		Address:	
Employer:		Position:		Telephone Number:	
From:		To:		Address:	
Employer:		Position:		Telephone Number:	
From:		To:		Address:	
Employer:		Position:		Telephone Number:	

Please See Reverse

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5.20.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Chief of police" means the city chief of police or the chief's designee.
- B. "Health officer" means the health officer of the county of Placer or his authorized representative.
- C. "Massage" means and includes the manipulation or treating of the external parts of the human body tissues for remedial or hygienic purposes by any one or combination of the following: rubbing, touching, stroking, tapping, kneading, pounding, or vibrating with the hands or by an instrument with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil powder, cream, lotion, ointment, or similar preparations.
- D. "Massage establishment" means any establishment, place of business, or location wherein massages are administered or used for any form of compensation.
- E. "Massage establishment operator" or "operator" means a person who supervises, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the conduct of, the activities within a massage establishment.
- F. "Massage technician" means any person who practices or administers massages for any form of legal compensation, and who has successfully completed a course of study of the theory, ethics, practice, methods, profession and work of massage offered by a recognized school of massage. Massage technicians shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulations, nor prescribe medicines or drugs.
- G. "Nursing home" means any institution, facility, place, building or agency, or portion thereof licensed as a skilled nursing facility, intermediate care facility, or intermediate care facility/developmentally disabled, as defined in Chapter 2 of Division 2 of the Health and Safety Code.
- H. "Off-premises massage services" means services in which a massage technician engages in, conducts, or carries on a massage at a location other than a massage establishment pursuant to this chapter which has been licensed, or which should be licensed pursuant to this chapter.
- I. "Person" means any individual, partnership, firm, association, corporation, joint venture or combination of individuals.
- J. "Recognized school" means and includes any school or institution of learning which has been approved pursuant to California Education Code Section 94300 et seq. and which has for its purpose the teaching of a course of study in the theory, ethics, practice, methods, profession and work of massage, and which provides a diploma or certificate of graduation upon successful completion of such course of study or learning. Schools offering a correspondence course not requiring attendance or courses taught solely by video tape or other electronic means shall not be deemed a recognized school. (Ord. 837 § 1, 2000; Ord. 807 § 1, 1999; Ord. 699 § 1 (part), 1994).

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5.20.040 Permit required--Fee.

A. It is unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the business of a massage establishment, in the absence of a permit issued pursuant to the provisions of this chapter. The permit required by this chapter is in addition to any business license tax required by the city and any other applicable permits or licenses required by local and/or state regulations.

B. It is unlawful for any person to engage in the practice, or attempt to practice, massage, whether for a fee or gratuity, or to administer massage without a permit issued under this chapter.

C. It is unlawful for any person to operate or conduct any massage establishment which does not conform to the sanitary provisions contained in this chapter, or to employ any person as a massage technician who does not hold a permit issued under this chapter.

D. All applicants for a permit under this chapter shall be subject to a waiting period not to exceed one hundred twenty days starting from the date such permit is first applied for. During such time, as a condition precedent to such applicant's right to receive a permit under this chapter, the applicant shall present evidence satisfactory to the chief of police as required by Section 5.20.050. The chief of police shall conduct an investigation to support or reject a permit to carry on the business of a massage technician or massage establishment.

E. The processing and investigative fee for massage technician and/or massage establishment, shall be the amount established by resolution of the city council, and is nonrefundable. (Ord. 807 § 2, 1999; Ord. 699 § 1 (part), 1994).

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5.20.060 Permit--Procedure.

A. Upon payment of all fees, submission of all material required by the application and upon proper inspection, a permit shall be issued by the chief of police if all the requirements of the city, including those described in this chapter, are met, and unless it appears that:

1. Any such applicant has deliberately falsified the application; or

2. The record of the applicant reveals:

a. Proof that the applicant has been convicted of a violation of Sections 266(h), 266(i), 311 through 311.7, 314, 315, 316, 318 or 647 (a), (b), (d) or (h) of the Penal Code, or has been convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above mentioned offenses, or proof that the applicant is required to register under the provisions of Section 290 of the Penal Code, or

b. Proof that the applicant has been convicted of any felony offense involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057 or 11058 of the Health and Safety Code, or has been convicted in any other state of any offense which, if committed or attempted in this state, would

have been punishable as one or more of the above mentioned offenses, or

c. Proof that the applicant has been convicted of any misdemeanor or felony offense which relates directly to the operation of a massage establishment, whether as a massage establishment owner or operator, or as a massage technician, or, any felony the commission of which occurred on the premises of a massage establishment, or

d. Proof that the applicant has within five years immediately preceding the date of the filing of the application for a permit under this chapter, had any massage establishment, operator, technician or trainee license or permit, which was issued by the state of California or by any county or municipality, revoked.

B. Any person denied a permit pursuant to these provisions may appeal to the city council in writing, stating reasons why the permit should be granted. Any such appeal shall be filed with the city clerk within ten days following notification of permit denial. The city council may grant or deny the appeal.

C. All permits issued pursuant to this chapter are nontransferable; provided, however, that a change of location of a massage establishment may be permitted pursuant to the provisions of Section 5.20.080. (Ord. 699 § 1 (part), 1994).

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5.20.070 Display of permit.

Permits issued under this chapter to a massage establishment and massage technicians shall be publicly displayed at the establishment in a location immediately available for inspection by representatives of the city. All permits issued shall bear the picture of the permit holder. No person issued a permit pursuant to this chapter shall operate under any other name or at any other location than that specified in the permit. (Ord. 699 § 1 (part), 1994).

5.20.080 Change of location.

All persons issued permits under this chapter shall report immediately to the chief of police all changes of residence or business address or change of ownership of the establishment. Failure to give such notice within fifteen days of the event shall render the permit null and void. A change of location of the massage premises shall be approved by the chief of police, provided all other laws, rules and regulations are complied with and a processing fee in the amount established by resolution of the city council is paid. (Ord. 699 § 1 (part), 1994).

5.20.090 Permit expiration and renewal.

- A. All permits issued under the provisions of this chapter shall be valid for a period of one year from date of issue.
- B. Any application for renewal must be made on or before the fifteenth day prior to expiration of the current permit. In the event of failure to so apply for renewal of a permit on or before the fifteenth day prior to expiration of the current permit, renewal shall be denied and the person shall be deemed a new applicant and shall have to requalify under the provisions of this chapter.
- C. A renewal permit may be issued upon timely application to the chief of police and the payment of a renewal fee in an amount set by resolution of the council. Prior to permit renewal being granted, the permit holder must:
 - 1. Provide a new photograph and current information concerning any changes to the facts set forth in the application;
 - 2. Provide a new certificate, dated within thirty days prior to application for the renewal, from a medical doctor stating that the permit holder is free from infectious, contagious or communicable diseases;
 - 3. Obtain clearance from the police department signifying that the permit holder has had no arrests or convictions for violations of those statutes listed in this chapter since the permit was issued or last renewed. (Ord. 807 § 3, 1999; Ord. 699 § 1 (part), 1994).

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5.20.100 Massage establishment operations.

Every massage establishment operating within the city limits shall at all times comply with each of the following minimum requirements:

A. A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment; provided, also, that all such signs shall otherwise comply with the general sign requirements of the ordinances of the city.

B. A list of services available and the cost of such services shall be posted in an open, public place on the premises and shall be described in readily understandable language. No person shall permit, and no massage technician shall offer to perform, any service other than those posted.

C. While administering a massage, each massage technician shall post a permit prepared and issued by the police department which shall be displayed in plain view of all patrons. The posted permit shall contain, at a minimum, information identifying the technician and a photograph of the technician.

D. All operators, owners, managers, managing employees, massage technicians, attendants, and other employees of the massage establishment shall be fully clothed at all times while furnishing massage services. Clothing shall be of a clean, fully opaque, nontransparent material without holes and provide complete coverage from midhigh to three inches below the collar bone.

E. All operators, owners, managers, managing employees, massage technicians, attendants, and other employees of the massage establishment shall not make intentional contact or occasional and repetitive contact with the genitals or anus of another person or the breasts of a female person.

F. Minimum lighting shall be provided in accordance with the Uniform Building Code, and additionally, at least one artificial light of not less than forty watts shall be provided each enclosed room or booth where massage services are being rendered.

G. No less than the minimum ventilation specified in the Uniform Building Code shall be provided.

H. Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided.

I. Hot and cold running water shall be provided.

J. Closed cabinets shall be utilized for the sanitary storage of clean linen.

K. Adequate dressing and toilet facilities shall be provided for the patrons. Such facilities shall be equipped with adequate locking devices and individual lockers or storage areas for each patron.

L. All walls, ceilings, floors, steam or vapor rooms, and all other physical facilities for the massage establishment shall be kept in good repair, and maintained in a clean and sanitary condition. Appliances, apparatus, and equipment shall be disinfected after each use.

M. Clean and sanitary towels and linens shall be provided for patrons receiving massage services. The towels and linens shall be laundered after each use. Receptacles shall be provided for the storage of soiled linens and paper towels. A freshly laundered cloth covering shall be placed on the table for each patron. No common use of towels or linens shall be permitted.

N. The front door of the massage establishment and the doors of all rooms or cubicles must remain unlocked during any time the establishment is occupied.

O. No person shall enter, be, or remain in any part of a massage establishment while consuming or using an alcoholic beverage or drug unless it is a drug prescribed for that individual. The responsible owner, operator, managing employee, manager, or permittee shall not permit such person to enter or remain on such premises. (Ord. 807 § 4, 1999; Ord. 699 § 1 (part), 1994).

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5.20.110 Employees—Restrictions.

- A. No person shall be employed, used or permitted to practice as a massage technician by the holder of a permit for a massage establishment unless such massage technician has a valid unexpired permit issued to him or her under this chapter.
- B. It is unlawful for any person to employ anyone under the age of eighteen years as a massage technician. It shall be unlawful for any persons under the age of eighteen years to be a massage technician. (Ord. 807 § 5, 1999; Ord. 699 § 1 (part), 1994).

5.20.120 Off-premises massage services.

Every person practicing, engaging, or carrying on the business of a massage technician, or operating a massage establishment, who offers to provide or provides off-premises massage services, shall comply with all of the following:

- A. A list of services available and the cost of such services shall be available for review of the patron or authorized representative of the chief of police upon request and shall be described in readily understandable language. No owner, operator, responsible managing employee, manager, or off-premises permittee shall permit, and no massage technician shall offer to perform, any service other than those posted.
- B. All equipment and apparatus shall be kept in a clean and sanitary condition and shall be disinfected after each use.
- C. Each massage technician shall wear a photograph identification card prepared and issued by the police department while administering a massage. The identification card shall be worn on outer clothing with the photograph side showing.
- D. Massage technicians, other employees, and patrons shall be fully clothed at all times. Clothing shall be of a clean, fully opaque, nontransparent material without holes and provide complete coverage from midthigh to three inches below the collar bone.
- E. Off-premises massage services may be conducted in a commercial establishment in the regular place of business of the patron or customer. A hotel or motel room shall not be considered a regular place of business under this chapter.
- F. Off-premises massage services may be conducted in the home or nursing home of the patron only if the patron has a valid and current prescription from a licensed medical doctor or chiropractor acting within the scope of their practice under state law indicating the need for such services. Off-premises massages provided in the home of a patron under this section shall only be conducted during the hours of eight a.m. and eight p.m. The off-premises massage technician shall retain a copy of such prescription for a period of two years in addition to the other information required to be maintained under this chapter.
- G. Off-premises massage services are prohibited from being offered in any other places than those specified in subsections E and F of this section and under those conditions and all other conditions as set forth in this chapter.
- H. The off-premises massage technicians or any other employees of the off-premises massage technician shall not make intentional contact or occasional and repetitive contact with the genitals or anus of another person or the breasts of a female person. (Ord. 807 § 6, 1999; Ord. 699 § 1 (part), 1994).

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5.20.130 Audio visual recording—Prohibited.

It is unlawful for any person to audio and/or visually record the massage procedures delivered to patrons or others by massage technicians. Such recordings shall include but not be limited to, both still and motion pictures, and closed-circuit television. (Ord. 699 § 1 (part), 1994).

5.20.140 Inspection.

The investigating officials of the city, including the health officer, shall have the right to enter the premises of the massage establishment from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with the provisions of this chapter and building, fire, electrical, plumbing and health regulations. (Ord. 699 § 1 (part), 1994).

5.20.150 Records of treatment.

Every person operating a massage establishment or off-premises massage business under a permit issued under this chapter shall keep a record of the date and hour of each treatment, and the name and address of the patron, the name of the technician administering such treatment, and prescription of home massage if the massage was performed in the customer's or patron's home. The records shall be maintained for a period of two years. The records shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for other purposes related to this chapter. (Ord. 807 § 7, 1999; Ord. 699 § 1 (part), 1994).

5.20.160 Hours of operation.

During the hours of ten p.m. to eight a.m., no person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on within the city, the business of a massage establishment, or shall practice or administer, or permit to be practiced or administered massages. (Ord. 699 § 1 (part), 1994).

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5.20.170 Grounds for revocation.

The permit of a massage technician or massage establishment may be revoked on one or more of the following grounds:

- A. That the permit holder is guilty of fraud or deceit in obtaining a license to practice massage;
- B. That the permit holder is practicing massage in a manner intended to arouse, appeal to, or gratify the lust or passions or sexual desires of another;
- C. That the permit holder has been convicted in a court of competent jurisdiction of any criminal code section listed in this chapter. The conviction of a felony shall include the conviction of an offense committed within the state which, if committed within the state of California, would constitute a felony under the laws thereof;
- D. That the permit holder is impersonating another practitioner of a like or different name;
- E. That the permit holder has employed, allowed or permitted an unlicensed person to perform massage in his or her massage establishment;
- F. That the permit holder has violated any of the provisions of this chapter;
- G. That the permit holder has a communicable disease capable of being transmitted to the public or to fellow employees by the type of conduct and interaction with fellow employees and the public involved in the performance of work related activities of a massage technician;
- H. That the permit holder is in violation of any federal, state or local health law or regulation. (Ord. 699 § 1 (part), 1994).

5.20.180 Revocation and appeal.

If any person holding a permit to carry on the business of a massage technician or a massage establishment, as provided in this chapter, shall conduct or carry on such business contrary to the provisions of this chapter or any other ordinance or law relating to or regulating such business, it shall be the duty of the chief of police of the city to enforce this chapter and the chief, in addition to other penalties provided in this chapter shall suspend the permit to carry on such business. No permit shall be revoked until after a hearing is conducted before the city council relating to such revocation, but the police chief may order such permit suspended pending such hearing, and it is unlawful for any person to carry on the business of a massage technician or a massage establishment after the permit has been suspended unless and until reinstated by the city council. Notice of such hearing shall be given in writing and shall be served at least ten days prior to the date of the hearing thereon. The notice shall state the grounds of complaint against the holder of such permit, or against the business carried on by him and shall also state the time when, and the place where such hearing will be held. The notice shall be served upon the holder of such permit by delivering the same to such person, his manager or agent, or to any person in charge of, or employed in the place of business of such person or by leaving such notice at the place of business or residence of such person with some person of suitable age and discretion. If the holder of such license cannot be found, and a service of such notice cannot be made upon him or her in the manner provided in this section, then a copy of such notice shall be mailed,

postage fully prepaid, addressed to the permit holder at his place of business or residence at least ten days prior to the date of such hearing. (Ord. 699 § 1 (part), 1994).

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5.20.190 Abatement.

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance and the city attorney or district attorney may in addition to or in lieu of prosecution in a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law and shall take such other steps, and shall apply to such courts or court as may have jurisdiction to grant such relief as will abate or remove such massage establishment and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter. (Ord. 699 § 1 (part), 1994).

5.20.200 Exceptions.

The requirements of this chapter shall have no application and no effect upon, and shall not be construed as applying to, any physician, surgeon, chiropractor, acupuncturist, osteopath, nurse, physical therapist, athletic trainer, barber or beautician, fully licensed by the state and performing activities encompassed by such professional license, or any assistant, trainee or other person administering under the immediate direction, supervision and control of any physician, surgeon, chiropractor, acupuncturist, osteopath or physical therapist duly licensed by the state. This chapter does not apply to any treatment administered in good faith in the course of the practice of any healing art or professions under the Business and Professions Code of the state or any other law of the state. (Ord. 699 § 1 (part), 1994).

5.20.220 Unlawful operation.

It is unlawful for any person to engage in any of the activities or businesses regulated by this chapter without complying with the provisions of this chapter. Any violation of the provisions of this chapter shall constitute a misdemeanor. (Ord. 699 § 1 (part), 1994).

5.20.230 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. (Ord. 699 § 1 (part), 1994).